

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GREEN RIVER STEEL CORPORATION)	
)	
Complainant)	
)	
v.)	CASE NO. 10300
)	
KENTUCKY UTILITIES COMPANY)	
)	
Defendant)	

O R D E R

On February 23, 1989, Green River Steel Corporation ("Green River Steel") filed an objection and motion to strike the third supplemental response of Kentucky Utilities Company ("KU") to Green River Steel's information request of November 11, 1988. KU's supplemental response, submitted to the Commission on February 16, 1989, contains a copy of a recently executed service contract between KU and Westvaco and a sworn statement from KU Vice President Robert Hewett. Green River Steel contends that Hewett's sworn statement exceeds the scope of the information request and constitutes an attempt by KU to supplement Hewett's testimony after the close of the public hearing and submission of the case.

Responding to the motion, KU has contended that Hewett's statement is responsive to Green River Steel's information request and its "continuing efforts to obtain information concerning KU's other qualifying time of day customers." KU has, in the

alternative, moved for an order entitling Green River to conduct cross-examination, by written interrogatories or deposition, on the supplemental information provided by KU in its supplemental response. This alternative motion has been opposed by Green River Steel.

Having reviewed KU's supplemental response and carefully considering the arguments of both parties, the Commission finds that Hewett's sworn statement exceeds the scope of Green River Steel's information request and constitutes an attempt to supplement his testimony after the close of the public hearing.

IT IS THEREFORE ORDERED that:

1. Green River Steel's motion to strike is granted.
2. Hewett's sworn statement contained in KU's supplemental response is stricken from the record.
3. KU's motion to allow Green River Steel to conduct cross-examination on the supplemental information is denied.

Done at Frankfort, Kentucky, this 30th day of June, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director